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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 MYCHAL OWENS,

9 Petitioner,

10 v.

11 DONALD R. HOLBROOK,

12 Respondent.

CASE NO. C17-5033 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 28),
15 Petitioner Mychal Owens’s objections to the R&R (Dkt. 29), and Owens’s motion for
16 exception to mandatory e-filing requirement (Dkt. 30)¹.

17 On October 11, 2017, Judge Creatura issued an R&R recommending that the
18 Court dismiss Owens’s petition as time-barred. Dkt. 28. On October 20, 2017, Owens
19 filed objections. Dkt. 29.
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22 ¹ The Court **GRANTS** the motion and will consider Owens’s objections.

1 The district judge must determine de novo any part of the magistrate judge's
2 disposition that has been properly objected to. The district judge may accept, reject, or
3 modify the recommended disposition; receive further evidence; or return the matter to the
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Owens's objections are without merit. Owens does not contest the
6 timeliness of his petition and instead argues the merits of his claims. Owens also presents
7 some novel jurisdictional arguments that are without merit. In sum, nothing in Owens's
8 objections establishes an error in Judge Creatura's conclusions that Owens's petition is
9 untimely and that he is not entitled to equitable tolling. Therefore, the Court having
10 considered the R&R, Owens's objections, and the remaining record, does hereby find and
11 order as follows:

- 12 (1) The R&R is **ADOPTED**;
- 13 (2) Owens's petition is **DISMISSED** as time-barred;
- 14 (3) Owens is not entitled to a Certificate of Appealability; and
- 15 (4) The Clerk shall close this case.

16 Dated this 27th day of November, 2017.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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